

March 24, 2010

Thomasenia Duncan, Esquire
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

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FEDERAL ELECTION
COMMISSION

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OFFICE OF GENERAL
COUNSEL

Re: Alan Grayson and Committee to Elect Alan Grayson

MUR # 6268

Dear Ms. Duncan:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against Alan Grayson (Grayson) and the Committee to Elect Alan Grayson ("the Committee") for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations, and more specifically, for violation of the disclaimer requirements for Federal candidates soliciting funds for non-federal candidates as set forth by the Commission in AO 2003-03.

I. Facts

The Committee to Elect Alan Grayson is the authorized principal campaign committee for Alan Grayson. The Committee filed an FEC Form 1 Statement of Organization on April 1, 2009, for the 2010 general election for the U.S. House of Representatives for Florida's 8th Congressional District, and filed amended versions of that FEC Form 1 Statement of Organization on April 29, 2009, and July 15, 2009. Alan Grayson filed his FEC Form 2 Statement of Candidacy on February 13, 2009, and, according to the FEC website, inexplicably re-filed his FEC Form 2 Statement of Candidacy on February 19, 2009, and July 15, 2009.

On Sunday, March 21, 2010, an invitation that included a fundraising solicitation was sent out by the Committee. The invitation was for an event benefiting Scott Maddox, a candidate for Florida Commissioner of Agriculture & Consumer Services. The invitation expressly solicited contributions from corporate entities, stating "Contributions are limited to \$500 per person or corporate entity. The maximum contribution for an individual, corporation, PAC or trust is \$500 for the primary and \$500 for the general (\$1,000 for the entire cycle)." The disclaimer at the end of the invitation reads "Political advertisement paid for and approved by Scott Maddox, Democrat, for Florida Commissioner of Agriculture and Consumer Services. The purchase of a ticket for, or contribution to, the campaign fundraiser is a contribution to the campaign of Scott Maddox. Contributions to the Scott Maddox Campaign are not deductible for Federal income tax purposes." See Attachment 1.

II. Relevant Law

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A Federal candidate or an individual holding Federal office may solicit, receive, direct or transfer funds in connection with any non-Federal election, but only in amounts and from sources that are consistent with State law and that do not exceed the Act's contribution limits or come from prohibited sources under the act. 2 USC § 441i(e)(1); 11 CFR §§ 300.62, 300.60.

Corporations are a prohibited source under the Act. 11 CFR § 114.2(a).

In AO 2003-03, the Commission stated that when a Federal candidate asks for "funds in connection with a non-Federal election in a State that permits donations that would not be lawful if in connection with a Federal election [the Federal candidate] must expressly qualify or limit his or her request so that it is clear that he or she is asking only for funds that comply with the Act's amount limitations and source prohibitions." AO-2003-03, citing 2 U.S.C. § 441i(e)(1)(B); 11 CFR § 300.62.

After directing candidates to expressly qualify the limits of the request, the Commission went so far as to suggest language for such a disclaimer:

I am asking for a donation of up to \$2000 per election from an individual's own funds [or up to \$5,000 per election from a multi-candidate political committee or a political party committee]. I am not asking for funds from corporations, labor organizations or unions.
AO 2003-03.

The Commission addressed situations where Federal candidate involvement with pre-event publications and invitations would require a disclaimer. "If the covered person has approved, authorized, or agreed or consented to the use of his or her name or likeness in publicity, and that publicity contains a solicitation for donations, there must be an express statement in that publicity to limit the solicitation to funds that comply with the amount limitations and source prohibitions of the Act." AO 2003-03, citing 2 U.S.C. § 441i(e)(1)(B); 11 CFR § 300.62.

To solicit "means to ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value. A solicitation is an oral or written communication that, construed as reasonably understood in the context in which it is made, contains a clear message asking, requesting, or recommending that another person make a contributions, donation, transfer of funds, or otherwise provide anything of value." 11 CFR § 300.2(m).

III. Legal Analysis

First, the invitation distributed by the Committee is a solicitation which solicits funds prohibited by the Act. The invitation is for "a Fundraising Reception Benefiting Scott Maddox Candidate for Florida Commissioner of Agriculture & Consumer Services." The invitation recommends that invitees make a "Suggested Contribution" of \$500. This communication could only be reasonably understood to be a request by the Committee

that an invitee make a contribution to Scott Maddox. As such, the invitation meets the definition of a solicitation under FEC regulations.

Furthermore, the invitation goes on to explicitly state that "[c]ontributions are limited to \$500 per person or corporate entity. The maximum contribution for an individual, corporation, PAC or trust is \$500 for the primary and \$500 for the general (\$1,000 for the entire cycle)." The Act strictly prohibits Federal candidates from soliciting contributions from corporate entities. This solicitation is for contributions that are prohibited from contributing under the Act.

Second, Grayson not only consented to be featured at the event, the invitation was distributed by the Committee and approved by Grayson. The invitation for the event states "Please Join... Congressman Alan Grayson." The invitation was sent from "Congressman Alan Grayson" using the email address of "alengrayson@graysonforcongress.com." The email disclaimer states that the "Political Advertisement Paid for and Approved by Alan Grayson, Democrat, for U.S. Congress, Florida District 8." (Emphasis added)

This solicitation clearly meets the two part test for publicity, as set out by the FEC in AO 2003-03. Since it satisfies the test, the solicitation should contain "an express statement in that publicity to limit the solicitation to funds that comply with the amount limitations and source prohibitions of the Act." While the invitation very helpfully lets invitees know that Grayson will attend providing he has no votes scheduled in D.C., it absolutely lacks any sort of statement with respect to soliciting only federal funds. In fact, instead of disclaiming the fact that Grayson cannot and is not soliciting prohibited funds, the invitation goes as far as soliciting prohibited corporate contributions.

Grayson and the Committee have willfully disregarded Federal law by failing to include the appropriate statements on an invitation for a non-federal candidate, which clearly meets the definition of a solicitation as set forth in FEC regulations and solicits prohibited funds. Soliciting prohibited contributions on behalf of a non-federal candidate and failure to include a disclaimer on a solicitation for a non-federal candidate are violations of 2 U.S.C. § 441i(e)(1) and 11 C.F.R. §§ 300.62, 300.60.

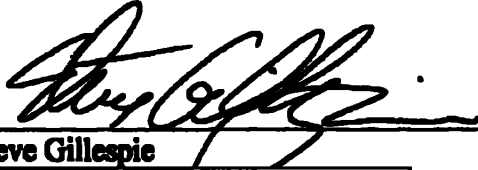
IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, Alan Grayson and the Committee to Elect Alan Grayson have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations as described herein. Accordingly, we respectfully request that the Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

The foregoing is current and accurate to the best of my knowledge, information and belief.

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Respectfully submitted,



Steve Gillespie

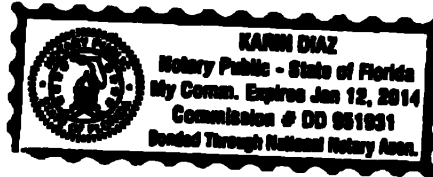
Celebration, FL 34747

Sworn to and subscribed before me this 24 day of March, 2010.



Notary Public

My Commission Expires: 1/12/2014



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Attachment 1

If you are unable to attend the reception but would like to help Scott's fight against his opponent Congressman Adam Putnam and the Republican corruption, please go to <http://www.scottmaddox.com>.

To contribute online, please go to: www.scottmaddox.com/contribute/

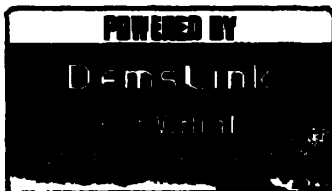
To RSVP, please contact the campaign at josh@scottmaddox.com or call (850) 222-6050

Political advertisement paid for and approved by Scott Madden, Democrat, for Florida Commissioner of Agriculture and Consumer Services. The purchase of a ticket for, or contribution to, the campaign fundraiser is a contribution to the campaign of Scott Madden. Contributions to the Scott Madden Campaign are not deductible for Federal income tax purposes.

Political Advertisement Paid for and Approved by Alan Grayson, Democrat, for U.S. Congress, Florida District 8

<http://www.graysonforcongress.com>

[Unsubscribe](#)



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